



IN THE CLAIMS

1. (Currently Amended) A data sending receiving apparatus, comprising:

first storage means for holding data including a plurality of ~~contents~~ content;

retrieval means for retrieving the data stored in said first storage means;

first sending receiving means for sending the data retrieved by said retrieval means,

said first sending receiving means including means for receiving request information for [[a]] content from a user and means for supplying for the received request information to said retrieval means;

decision means for checking whether the data sent from said first sending receiving means is data corresponding to [[a]] new content;

second sending receiving means for receiving the data sent from said first sending receiving means and for sending the request information by the user;

second storage means for storing data received by said second sending receiving means; and

control means for controlling automatic storage of the data received by said second sending receiving means in said second storage means ~~to store the data automatically~~ when results of checking by said decision unit means verify that the data sent from said first sending receiving means is data corresponding to the new content,

wherein said first sending receiving means and said second sending receiving means are connected to an electronic communication network.

2. (Currently Amended) The data sending receiving apparatus according to claim 1, wherein said second sending receiving means further includes reproducing means and wherein, when the results of the ~~check~~ checking by said decision means indicates data other

than data newly stored in said first storage means, said reproducing means reproduces the data sent from the first sending receiving means.

3. (Previously Presented) The data sending receiving apparatus according to claim 1, wherein said first sending receiving means, when sending data retrieved by said retrieval means, appends supplementary data indicating that the data is data newly stored in said first storage means when the data sent is the data newly stored in said first storage means.

4. (Previously Presented) The data sending receiving apparatus according to claim 3 wherein said decision means checks whether the data sent from said first storage means is the data newly stored in said first storage means.

5. (Previously Presented) The data sending receiving apparatus according to claim 1 wherein said second sending receiving means generates the request information from the user inclusive of data specifying an intention of the user to make payment and sends the generated information to said first sending receiving means.

6. (Previously Presented) The data sending receiving apparatus according to claim 5 wherein said first sending receiving means switches a sending mode to said second sending receiving means for data retrieved by said retrieval means based on data specifying the intention of the user to make payment sent from the second sending receiving means.

7. (Previously Presented) The data sending receiving apparatus according to claim 6 wherein said first sending receiving means switches the sending mode to the second sending receiving means based on data specifying the intention of the user to make payment sent from

the second sending receiving means when the data retrieved by said retrieval means is the data newly stored in said first sending receiving means.

8. (Previously Presented) The data sending receiving apparatus according to claim 7 wherein said first sending receiving means sends to said second sending receiving means data newly stored in said first sending receiving means with a same data quality as a data quality in sending other data stored in said first storage means when the data specifying the intention of the user to make payments for the request information from the user sent from the second sending receiving means indicates that the user is willing to make the payments.

9. (Previously Presented) The data sending receiving apparatus according to claim 8 wherein said first sending receiving means sends to said second sending receiving means data newly stored in said first sending receiving means with a data quality lower than a data quality in sending other data stored in said first storage means when the data specifying the intention of the user to make payments for the request information from the user sent from the second sending receiving means indicates that the user is not willing to make the payments.

10. (Previously Presented) The data sending receiving apparatus according to claim 1 wherein said second sending receiving means generates the request information from the user inclusive of genre designation information to send the generated information to said first sending receiving means.

11. (Previously Presented) The data sending receiving apparatus according to claim 10 wherein said second sending receiving means, when reproducing data stored in said

storage means, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said first storage means when the user is willing to make a payment.

12. (Previously Presented) The data sending receiving apparatus according to claim 11 wherein said second sending receiving means, when reproducing data stored in said second storage means, sends information concerning the payment to said first sending receiving means when the user is willing to make the payment.

13. (Previously Presented) The data sending receiving apparatus according to claim 12 wherein said first sending receiving means performs accounting based on accounting information sent from said second sending receiving means.

14. (Previously Presented) The data sending receiving apparatus according to claim 11 wherein said first sending receiving means sends to said second sending receiving means data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close to data for playback stored in second storage means.

15. (Previously Presented) The data sending receiving apparatus according to claim 14 wherein said second sending receiving means switches the playback state of data stored in said second storage means based on the data specifying that the accounting has come to a close.

16. (Previously Presented) The data sending apparatus according to claim 11 wherein said second sending receiving means discontinues the playback state while reproducing data stored in said second storage means when the user has no intention to make the payment.

17. (Previously Presented) The data sending receiving apparatus according to claim 10 wherein said first sending receiving means sends to the retrieving means the request information from the user containing the genre designation information sent from the second sending receiving means, and wherein said retrieval means retrieves data stored in said first storage based on the request information from the user containing the genre designation information to send the retrieved data to the second sending receiving means.

18. (Currently Amended) A data receiving apparatus, comprising:
a sending receiving means for sending request information for [[a]] content from a user to a host side device and for receiving data of ~~contents~~ content sent from said host side device;
a storage means for storing received data sent by said sending receiving means;
a decision means for checking whether the sent data from said host side device is data corresponding to [[a]] new content; and
control means for controlling automatic storage of the received data sent by said sending receiving means in said storage means ~~to store data automatically~~ when results of the checking verify that the data sent from said sending receiving means is data corresponding to [[a]] the new content.

19. (Previously Presented) The data receiving apparatus according to claim 18, further comprising a reproducing means, wherein said control means causes the sent data to be reproduced when the results of the checking indicate that the sent data is data other than data newly stored in said host side device.

20. (Previously Presented) The data receiving apparatus according to claim 19 wherein said control means includes a check means for checking whether the sent data is data newly stored in said host side device.

21. (Previously Presented) The data receiving apparatus according to claim 20 wherein said control means includes means for discriminating, based on supplementary data appended to the sent data for indicating that the data is data newly stored in the host side device, whether the sent data is data newly stored in the host side device.

22. (Previously Presented) The data receiving apparatus according to claim 18 wherein said sending receiving means generates the request information from the user containing data specifying an intention of the user to make payments to send the generated data to said host side device.

23. (Previously Presented) The data receiving apparatus according to claim 18 wherein said sending receiving means generates the request information from the user containing the genre designation information to send the generated information to said host side device.

24. (Previously Presented) The data receiving apparatus according to claim 23 wherein when data stored in said storage means is to be reproduced and the user has an intention to make payments, the data is reproduced in a reproducing state similar to a reproducing state for reproducing data other than said data newly stored in said host side device.

25. (Previously Presented) The data receiving apparatus according to claim 24 wherein when data stored in said storage means is to be reproduced and the user has the intention to make payments, accounting information is sent from said sending receiving means to said host side device.

26. (Previously Presented) The data receiving apparatus according to claim 25 wherein, after an accounting comes to a close based on the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said storage means.

27. (Previously Presented) The data receiving apparatus according to claim 26 wherein the playback state of data stored in said storage means is switched based on said accounting data.

28. (Previously Presented) The data receiving apparatus according to claim 24 wherein when reproducing data stored in said storage means and the user has no intention to make payments, the reproducing state is discontinued.

29-51. (Canceled).

52. (Previously Presented) The data sending receiving apparatus according to claim 1, wherein said retrieval means retrieves said new content that is data that has been put on sale or publicized only recently.

53. (Previously Presented) The data sending receiving apparatus according to claim 52, wherein said retrieval means retrieves said new content data that is data received within a preset time period from a date on which the data has been put on sale or publicized.

54. (Previously Presented) The data sending receiving apparatus according to claim 1, wherein said decision means checks whether said new content is data that is not received by said second sending receiving unit.

55. (Previously Presented) The data sending receiving apparatus according to claim 18, wherein said decision means checks whether said new content is data that has been put on sale or publicized only recently.

56. (Previously Presented) The data sending receiving apparatus according to claim 55, wherein said decision means checks whether said new content is data received within a preset time period from a date on which the data has been put on sale or publicized.

57. (Previously Presented) The data sending receiving apparatus according to claim 18, wherein said decision means checks whether said new content is data that is not received by said sending receiving unit.

58. (Withdrawn - Currently Amended) A ~~data sending-receiving computer-~~
implemented method, comprising ~~the steps of~~:

first sending ~~[[a]]~~ request information for ~~[[a]]~~ content from a user;
first receiving the request information;
retrieving the data stored in a storage based on the request information;
~~secondly-second~~ sending the data retrieved by said step of retrieving;
~~secondly-second~~ receiving the data sent by said ~~secondly-second~~ sending step;
checking whether the data sent from said ~~secondly-second~~ sending step is data
corresponding to ~~[[a]]~~ new content;
storing data automatically when results of checking in said step of checking verify
that the data sent in said step of ~~secondly-second~~ sending is data corresponding to ~~new-the~~
content~~[[;]]~~.

59. (Withdrawn - Currently Amended) A ~~data receiving method-computer-~~
implemented method, comprising ~~the steps of~~:

~~Sending~~ sending request information for ~~[[a]]~~ content from a user to a host side device
and receiving data of ~~contents-content~~ sent from said host side device;
storing ~~the receiving-received~~ data sent ~~by-in~~ said step of sending;
checking whether the sent data from said host side device is data corresponding to
~~[[a]]~~ new content; and
controlling said step of storing to store data automatically when results of the step of
checking verify that the data sent in said step of sending is data corresponding to ~~[[a]]~~ the
new content.